

REMARKS

Claims 1-20 remain in the application for reconsideration by the Examiner. Applicants have amended Claims 18-20 to correct the obvious error with regard to dependency. These claims should be dependent on Claim 17 rather than the nonexistent Claims 27.

In the Office Action of October 8, 2002, the Examiner rejected Claims 3 and 16 under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention." Specifically, the Examiner objected to the phrase "clutch/roller" as being improper. Applicants have amended Claims 3 and 16 to more particularly point out and distinctly claim the present invention. Applicants respectfully submit that as amended Claims 3 and 16 comply with the statutory requirements of 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 1-20 under 35 U.S.C. § 103 "as being unpatentable over the admitted prior art of Figures 1-3, and as disclosed in the Specification on pages 1-4. Specifically, the Examiner asserted that the "admitted prior art fails to disclose a wire line made of webbing, however, it would have been obvious to one of ordinary skill to provide a line made of webbing, so as to provide a stronger, more durable, controlled descent device." Applicants respectfully traverse the Examiner's rejection.

Applicant respectfully submits that the Examiner must not have understood the present invention. This is clear from the Examiner's blanket rejection of Claims 1-20 solely on the basis that it would be obvious to replace the wire line of the known devices with a "line made of webbing, so as to provide a stronger, more durable, controlled descent device." Applicants respectfully point out that Claims 1-4 do not even mention webbing. Claim 5 is the first time that the term "webbing" appears. How can the Examiner's rejection of Claims 1-4 be valid when the claims do not even mention webbing? Similarly, Claims 17-20 do not contain the term "webbing". They are directed to a controlled descent device having a line (whether made of webbing or not) with a replaceable portion that can be replaced without disassembling the device. The Examiner has cited no reference, including that discussed in the application, which discloses or teaches this feature.

With regard to Claims 5-16, the Examiner has completely ignored the teachings that the devices described in the Background of the Invention are for emergency or one-time use and are not subjected to repeated or extended use whereas the present invention can withstand repeated use because its components are not as susceptible to wear. For example, the present invention utilizes a manufactured mechanism, preferably a one-way bearing, such that the brake hub is no longer linked to the shaft thereby producing rotational motion in one direction and fixed motion in the opposite direction. Nowhere is this shown or taught in the Dynescape device. Thus, the Examiner has improperly ignored the differences between the present invention and the cited art. See Ex Parte Murphy and

Schreiber et al.
USSN 09/899,588

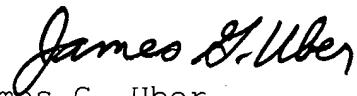
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Burford, 217 USPQ 479, 481 (P.O. Bd. Appls. 1982) ("it is error to ignore specific limitations distinguishing over the reference"); In re Boe, 505 F.2d 1297, 184 USPQ 38 (CCPA 1974).

In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw his rejections of Claims 3 and 16 under Section 112, and his rejection of Claims 1-20 under 35 U.S.C. § 103, indicate the allowability of Claims 1-20, and that an official Notice of Allowance be issued in due course.

Respectfully submitted,



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APPENDIX

Additions are underlined and deletions are in brackets.

3. (Once Amended) The controlled descent device of claim 2 wherein said one-way bearing is selected from the group consisting of [back stopping, clutch, indexing,] ramp type roller, sprag clutches and sprag [clutch roller bearing] clutch with roller combinations.

16. (Once Amended) The controlled descent device of claim 15 wherein said one-way bearing is selected from the group consisting of [back stopping, clutch, indexing,] roller ramp type, sprag clutches and sprag [clutch roller bearing] clutch with roller combinations.

18. (Once Amended) The controlled descent device of claim [27] 17 wherein each of said joined ends has a loop wherein said linkage comprises a cylinder supported within each loop, and a bolt passing through holes formed in each loop and through each cylinder.

19. (Once Amended) The controlled descent device of claim [27] 17 wherein each of said joined ends has a loop, wherein said linkage comprises a screw lock link passing through the loops.

20. (Once Amended) The controlled descent device of claim [27] 17 wherein each of said joined ends has a loop,

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wherein said linkage comprises a plate supported within each said loop, and at least one screw passing through the loops and plates.